

BIRCH, STEWART, KOLASCH & BIRCH, LLP

INTELLECTUAL PROPERTY LAW

8110 GATEHOUSE ROAD

SUITE 500 EAST

FALLS CHURCH, VA 22042

USA

(703) 205-8000

FAX: (703) 205-8050

(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com

web: http://www.bskb.com

TERRELL C. BIRCH
RAYMOND C. STEWART
JOSEPH A. KOLASCH
JAMES M. SLATTERY
BERNARD L. SWEENEY*
MICHAEL K. MUTTER
CHARLES GORENSTEIN
GERALD M. MURPHY, JR.
LEONARD R. SVENSSON
TERRY L. CLARK
ANDREW D. MEIKLE
MARC S. WEINER
JOE MCKINNEY MUNCY
ROBERT J. KENNEY
JOSEPH FARACI
DONALD J. DALEY
JOHN W. BAILEY
JOHN A. CASTELLANO, III
OF COUNSEL:
HERBERT M. BIRCH (1905-1996)
ELLIOT A. GOLDBERG*
WILLIAM L. GATES*
EDWARD H. VALANCE
GUPERT J. BRADY (RET.)*

*ADMITTED TO A BAR OTHER THAN VA.

SENIOR COUNSEL:
ANTHONY L. BIRCH

GARY D. YACURA
THOMAS S. AUCHTERLONIE
MICHAEL R. CAMMARATA
JAMES T. ELLER, JR.
SCOTT L. LOWE
JOSEPH H. KIM, PH.D.*
RICHARD S. MYERS, JR.*
MARY ANN CAPRIA
MICHAEL J. CORNELISON*
MARK J. NUEL, PH.D.
ROBERT V. RACUNAS
DARIN E. BARTHOLOMEW*
D. RICHARD ANDERSON
PAUL C. LEWIS
JERRY W. HOGGE

REG. PATENT AGENTS:
FREDERICK R. HANDREN
ANDREW J. TELESZ, JR.
MARYANNE LIOTTA, PH.D.
MAKI HATSUMI
STEVEN P. WIGMORE
ESTHER H. CHIN
MIKE S. RYU
W. KARL RENNER
CRAIG A. McROBBIE
GARTH M. DAHLEN
LAURA C. LUTZ

U.S. PTO
09/229324

01/13/99

Date: January 13, 1999

Docket No.: 760-262P

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a Request for filing a X continuation divisional application under 37 C.F.R. § 1.53(b) of pending prior Application No. 08/668,464 filed on June 25, 1996, the entire contents of which are hereby incorporated by reference, by

Yukoh HIEI

Toshihiko KOMARI

For

METHOD FOR TRANSFORMING MONOCOTYLEDONS

1. ✓ X Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2. X The filing fee has been calculated as follows:

		LARGE ENTITY	SMALL ENTITY
BASIC FEE		\$760.00	\$380.00
	NUMBER FILED	RATE FEE	RATE FEE
TOTAL CLAIMS	42- 20 =	x 18 = \$396.00	x 9 = \$
INDEPENDENT CLAIMS	2- 3 =	x 78 = \$	x 39 = \$
MULTIPLE DEPENDENT <u>X</u> CLAIMS PRESENTED		+ \$260.00	+ \$130.00
TOTAL		\$1,416.00	

3. X A check in the amount of \$1,416.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. Please charge Deposit Account No. 02-2448 in the amount of \$. A triplicate copy of this request is enclosed.
5. X Amend the specification by deleting lines 4-9 of page 1 and inserting the following:

--This application is a continuation of copending Application No. 08/668,464, filed on June 25, 1996, which is a continuation-in-part of Application No. 08/193,058 which is the national phase of PCT International Application No. PCT/JP93/00925 filed on July 6, 1993 under 35 U.S.C. § 371 (now U.S. Patent No. 5,591,616 issued on January 7, 1997). The entire contents of each of the above identified applications are hereby incorporated by reference.--

6. Transfer the drawings/photographs from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file.
7. X Enclosed are two (2) sheet(s) of formal drawings/photographs.
8. A verified statement claiming small entity status was filed in prior Application No. on . See attached copy of verified statement claiming small entity.

9. X The prior application is assigned to
JAPAN TOBACCO INC.
10. ✓X A Preliminary Amendment is enclosed.
- 11a. Priority of Application No. filed in on
 is claimed under 35 U.S.C. § 119. See
attached copy of the Letter claiming priority filed in
the prior application on .
- 11b. X Priority of International Appln. PCT/JP93/00925 filed
on July 6, 1993 under the Patent Cooperation Treaty and
Application No. 4-204464 filed in Japan on July 7, 1992
under 35 U.S.C. § 119 are hereby reclaimed.
12. ✓X An Information Disclosure Statement and PTO-1449
form(s) are attached hereto for the Examiner's
consideration.
13. X Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000
14. X An extension of time for three (3) month(s) January 13,
1999 has been submitted in parent Application No
08/668,464 in order to establish copendency with the
present application.
15. Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this,
concurrent, and future replies, to charge payment or credit any
overpayment to Deposit Account No. 02-2448 for any additional fees
required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 

Gerald M. Murphy, Jr.

Reg. No. 28,977

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000


GMM/MAL/cpw